

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1, 16, 44, 45, and 53 have been amended, and Claim 43 has been canceled. No new matter has been added. Support for these claim amendments can be found at least in original Claims 43 and 44. Claims 2, 3, 5-7, 14, 17-19, 22, 24-32, and 35-42 were previously canceled. Claims 1, 4, 8-13, 15, 16, 20, 21, 23, 33, 34, and 44-59 are now pending in this application.

I. Interview Summary

Applicants thank the Examiner for the courtesy extended during the interview with Applicants' representative Nicholas M. Lagerwall (Reg. No. 63,272) conducted on December 7, 2010. During the interview, the present rejections and the above claim amendments were discussed. The Examiner agreed that the foregoing claim amendments would make the claims allowable.

II. Claim Rejections Under 35 U.S.C. § 112

A. Claims 1, 4, 8-13, 15, 16, 20, 21, 23, 33, 34, and 45-59

On page 4 of the Office Action, Claims 1, 4, 8-13, 15, 16, 20, 21, 23, 33, 34, and 45-59 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Independent Claims 1, 16, 45, and 53 have been amended. Applicants respectfully submit that amended independent Claims 1, 16, 45, and 53 satisfy the written description requirement under 35 U.S.C. § 112, first paragraph.

Regarding Claim 1, the Examiner asserted that the specification fails to disclose that a "single upstream/downstream WDM" can "route different data modulated pumping light to different optically pumped sources." The Examiner stated that, according to Figures 6 and 10 and paragraphs [0067], [0068], [0087], and [0090], a "plurality of upstream/downstream WDMs" are used to route the data modulated pumping light.

To advance prosecution and without conceding the Examiner's point, Claims 1, 16, 45, and 53 have been amended to recite a "plurality of upstream/downstream WDMs," as requested by the Examiner (emphasis added).

Accordingly, Applicants respectfully submit that written description support for Claims 1, 16, 45, and 53 (and their associated dependent claims) can be found throughout the present specification. Withdrawal of the rejection of Claims 1, 4, 8-13, 15, 16, 20, 21, 23, 33, 34, and 45-59 under 35 U.S.C. § 112, first paragraph is respectfully requested.

B. Claims 43 and 44

On page 7 of the Office Action, Claims 43 and 44 were rejected under 35 U.S.C. § 112, second paragraph as "failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." More specifically, the Examiner stated that Claim 43 was unclear and that Claim 44 was rejected based on its dependence from Claim 43. Claim 43 has been canceled and Claim 44 has been amended to depend from independent Claim 1, thus rendering the rejection moot.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. Applicants request consideration and allowance of all pending claims.

It should also be noted that although arguments have been presented with respect to certain claims herein, the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons. Further, the failure to address any statement by the Examiner herein should not be interpreted as acquiescence or agreement with such statement. Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in

any other future proceeding, and to rebut any statement presented by the Examiner in this or other papers during prosecution of the present Application.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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